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VIA ECF and FIRST CLASS DELIVERY

Hon. Leonard D. Wexler, U.S.D.J.
United States District Court, Eastern District of New York
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, New York 11722

Re: Velasquez, et al. v. Digital Page, et al.
Docket No. 11-CV-3892 (LDW)(AKT)

Dear Honorable Judge Wexler,

Our office represents the Plaintiffs in the above referenced matter. We write in response to Defendants' July 16, 2013 letter.

Contrary to Defendants' assertions, Plaintiffs provided a specific calculation of damages required by Fed. R. Civ. P. 26(a)(1) and also in compliance with Magistrate A. Kathleen Tomlinson's April 27, 2012 Civil Conference Minute Order.

On May 7, 2012 and on May 11, 2012, Plaintiffs provided Defendants with their Supplemental Response and Second Supplemental Response to Defendants' First Set of Interrogatories. Based on Defendants' discovery which they served on January 20, 2012 and which was provided after the Defendants' Offers of Judgment dated October 5, 2011 and October 11, 2011, Plaintiffs' Second Supplemental Response provided the following calculation of damages for Plaintiffs Noel Velasquez and Carlos Rivera and for the opt-in Plaintiff Michael Nazario:

Noel Velasquez

Total Unpaid Wages	\$ 12,008.28
Federal and State Liquidated Damages	24,016.55
Spread of Hours and State Liquidated Damages	1,943.00
NYS Statutory Interest on Unpaid Wages	1,080.75
NYS Statutory Interest on Spread of Hours Damages	87.44

Total	\$ 39,136.02
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Carlos Rivera

Total Unpaid Wages	\$ 3,866.09
Federal and State Liquidated Damages	7,732.17
Spread of Hours and State Liquidated Damages	1,653.00
NYS Statutory Interest on Unpaid Wages	347.95
NYS Statutory Interest on Spread of Hours Damages	74.39
Total	\$ 13,673.60

Michael Nazario

Total Unpaid Wages	\$ 2,078.06
Federal and State Liquidated Damages	4,156.11
Spread of Hours and State Liquidated Damages	1,319.50
NYS Statutory Interest on Unpaid Wages	100.83
NYS Statutory Interest on Spread of Hours Damages	22.32
Total	\$ 7,676.82

In contrast, Defendants' October 2011 offers to the above (3) individuals failed to fully satisfy their respective claims because Defendants offered Mr. Velasquez \$11,206.58, offered Mr. Rivera \$ 8,050.50, and offered Mr. Nazario \$ 4,346.78, amounts which were inclusive of the base unpaid wages and liquidated damages owed.

Accordingly, Defendants' July 16, 2013 letter misrepresents the fact that Plaintiffs did in fact provide a specific calculation of damages which differed from Defendants' offers of judgment.

For the other reasons set forth in Plaintiffs' July 15, 2013 letter, Plaintiffs request that the Court deny Defendants' request for a pre-motion conference regarding their intention to file another motion for reconsideration, deny Defendants' request to stay the Court's June 11, 2013 Memorandum and Order, and direct the Defendants to produce the requested Sales Associate information and enter into a briefing schedule for Plaintiffs' motion for conditional certification and motion to amend the Complaint.

Respectfully submitted,

VALLI KANE & VAGNINI, LLP


S. NTO SINHA

cc: Jamie Felsen, Esq. (via ECF)
Attorneys for Defendants